

REMARKS

STATUS OF THE CLAIMS

Claims 1-3, and 5-26 are pending in the application.

Claims 1-3, 5-24 and 26 are allowed.

Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

According to the foregoing claims 5 and 25 are amended, and new claims 27-30 are added, and, thus, the pending claims remain pending for consideration and allowance, which is respectfully requested.

No new matter has been added in this Amendment.

REJECTION

The independent claims are 1, 25 and 26, of which independent claims 1 and 26 are allowed and independent claim 25 is rejected.

The Office Action page 9, item 11 rejects claim 25 under 35 USC 101 because allegedly the claimed invention is directed to non-statutory subject matter. The Office Action alleges a "computer data signal embodies in a carrier wave is not tangibly embodied on a computer readable medium."

According to the foregoing, independent claim 25 is amended to recite "25.

(CURRENTLY AMENDED) **~~A computer data signal embodied in a carrier wave~~readable recording medium embodying data usable by a computer system, comprising: ..."**

First, in a precedential decision of Ex Parte Lundgren, Appeal 2003--2088 (October 2005), the USPTO Board of Patent Appeals and Interferences has ruled "that there is currently no judicially recognized 'technological arts' test to determine patent eligible subject matter under §101."

Second, it is readily apparent, "**~~A computer data signal embodied in a carrier wave~~readable recording medium embodying data usable by a computer system"** is tangible, because the "**recording medium**" embodies "**data usable by a computer system**"

that can produce a useful, concrete and tangible result, according to the State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368 (Fed. Cir. 1998) decision, of "allowing to enable a recipient computer system to provide a preview function of the protected provider data file via the synthesized extracted accessible sample and to access the protected provider data file according to the synthesized extracted accessible sample having the watermarked data-authorization information of the provider and the recipient."

Withdrawal of the non-statutory subject matter rejection for claim 25 is respectfully requested.

NEW CLAIMS

Independent claims 1 and 26 are allowed.

New independent claims 27 and 28 are added, which are also understood to be allowable by reciting patentably distinguishing features of similar scope to allowed independent claims 1 and 26, as follows:

27. (NEW) A recording medium storing instructions to control a computer according to a process comprising:

- encrypting a content file with a content key;
- preparing user specific content authorization information by encrypting the content key based upon user information;
- embedding the user specific content authorization information as a watermark in an extracted accessible sample as an index to the content file for representing the content file; and
- synthesizing the extracted accessible sample having the watermarked user-specific-content-authorization information with the encrypted content file.

For example, the present Application page 17, line 15 to page 19, line 18 provides support for the new claim 27.

28. (NEW) A recording medium useable by an apparatus to access digital data stored thereon, comprising:

- a protected provider data file; and
- an extracted accessible sample synthesized with the protected provider data file and usable by the apparatus, as an index to the provider data file for representing the provider data file, the sample having watermarked data-authorization information of the provider and data-authorization information of a recipient,

wherein the sample enables the apparatus to provide a sample function of the protected provider data file via the synthesized extracted accessible sample and enables the apparatus to access the protected provider data file according to the synthesized extracted accessible sample having the watermarked data-authorization information of the provider and the recipient.

For example, the present Application page 19, line 20 to page 20, line 5 provides support for the new claim 28.

Further, new system claims 29 and 31 are directed to the present Application FIG. 6 (content usage) and FIG. 9 (content distribution) and the processes of the claimed present invention described in page 15, line 8 to page 17, line 14 and page 17, line 15 to page 19, line 18 of the present Application.

The independent claims 1, 25, 26, 27, 28, 29 and 30 provide allowable features of:

extracting a portion of a digital content file to be distributed to prepare a preview sample as an index to the digital content file for representing the digital content file;

preparing a substantive file by encrypting the digital content file with a content key;

preparing user specific authorization information by encrypting the content key based upon user information;

preparing a user specific authorization information embedded preview sample by embedding the user specific authorization information, containing information for accessing the encrypted digital content file, as invisible information in the extracted preview sample;

synthesizing the substantive file and the user-specific-authorization-information-embedded preview sample to prepare a synthesized digital content file ...

More particularly, for example, in contrast to the relied upon references of the record, the claimed present invention as recited in independent claims 1, 25, 26, 27, 28, 29 and 30 provides an "***index ... for representing the digital content file,***" in which "***index***" can be, for example, a list, or a sample of a digital content, such as a short or a sample audiovisual digital content, as understood or used in the relevant art. See, for example, the present Application, page 5, lines 5-9 and page 13, lines 7-17 that support the claimed present invention.

In view of the remarks and the claim amendments, withdrawal of the rejection of claim 25 and allowance of pending claims, including new claims, is respectfully requested.

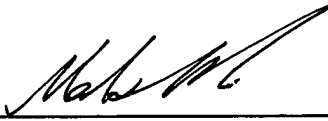
CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: March 27, 2006

By: 
Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501